GOVERNMENT OF INDIA
PERSONNEL,PUBLIC GRIEVANCES AND PENSIONS
LOK SABHA

UNSTARRED QUESTION NO:5026
ANSWERED ON:26.04.2000
COMMISSION ON REVIEW OF ADMINISTRATIVE LAWS
SHIVAJI VITHALRAO KAMBLE

Will the Minister of PERSONNEL,PUBLIC GRIEVANCES AND PENSIONS be pleased to state:

(a) whether the Government have received any report from the Commission set up on Review of Administrative Laws;

(b) if so, the details of the recommendations made and the details of those recommendations which have been accepted by the Government;

(c) the details of the action plan proposed thereon; and

(d) the present status of the action taken in this regard?

Answer

THE MINISTER OF STATE FOR DEPARTMENT OF ADMINISTRATIVE REFORMS AND PUBLIC GRIEVANCES IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
(SHRI ARUN SHOURIE)

(a): Yes, Sir. The Commission on Review of Administrative Laws submitted its report to the Cabinet Secretary on 30 September, 1998.

(b), (c) & (d): A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (b), (c) & (d) OF THE LOK SABHA UNSTARRED QUESTION NO.5026 ANSWER ON 26.04.2000.

The important recommendations made by the Commission in its report are as under:

(i) All the Ministries/Departments should compile upto date information about rules, regulations, orders and procedures under different Central Laws administered by them including manuals in respect of areas which are important from the point of view of the general public.

(ii) Expeditious amendments should be considered in respect of a critical list of about 109 laws including those regarding which action has been initiated.

(iii)There is a need also for unification and harmonisation of statutes, laws and regulations with reference to the perspective of domestic and foreign investors, trade and industry, consumers, builders, exporters and importers. In this process, the Government should simplify the language used in all regulations, rules and orders.

(iv) Repeal of 1382 Central Laws of different categories out of about 2500 Laws in force, as listed below:

(a) 166 Central Acts (including 11 Pre- Nationalisation Acts and 20 Validation Acts).

(b) 315 Amendment Acts.

(c) 11 British Statutes still in force.

(d) 17 War-time permanent Ordinances.

(e) 114 Central Acts relating to state subjects.

(f) 700 Appropration Acts (approximately) passed by Parliament.

(g) 35 Reorganisation Acts.

(h) 12 Laws applicable to High Courts.

(i) 12 Personal Laws.

The Commission has recommended their repeal on the ground that these laws have become either irrelevant or dysfunctional.

(v) The Commission has recommended expansion of the system of alternate disputes resolution and more effective utilisation of the Arbitration and Conciliation Act. The Commission has also recommended entrustment of pending cases of subordinate courts to the `Lok Adalats`.

2. Copies of the Report of the Commission were sent to all Ministries/Departments of the Government of India and Chief Secretaries of State Governments/UTs in November, 1998 for examination of the various recommendations and for devising suitable action plan for implementation of the recommendations. Most of the Ministries have initiated action to bring out suitable amendments/modifications in the Acts and Laws etc. being administered by them. The Ministries/Departments have initiated action to amend or repeal 241 Acts. These include 109 Acts considered to be of critical relevance to the terms of reference of the Commission.

3 . The Ministries/Departments have also initiated action on repeal of dysfunctional/outdated laws/Acts etc. A Repealing and Amending Bill in respect of 315 Amendment Acts has been introduced in the Rajya Sabha on 21-12-1999. The issue pertaining to repeal of 700 Appropriation Acts was referred to the Attorney General of India for advice which has been recently received and further action is in progress. 114 Central Acts relating to State List have been referred, by the Legislative Department, to the concerned State Governments for repeal. Of the remaining 253 Acts, 5 Acts pertain to State List on which action is to be taken by the State Governments and 3 Acts have been repeated in the list of 166 Central Acts recommended for repeal by the Commission. This brings down the total from 253 Acts to 245 Acts. Out of 245 remaining Acts, action has been initiated in respecte of 220 Acts and is at various stages. These 220 Acts include 120 Acts in respect of which the concerned Ministries/ Departments have taken a decision not to repeal them and 94 Acts which in accordance with the decisions of the respective Ministries/ Departments, are to be repealed. Action to repeal or amend the remaining Acts is at various stages.

4. All the un-repealed Central Acts of all India Application have been placed on the NICNET and Internet. An Action Plan has been prepared and communicated to concerned Ministries/Departments for making all subordinate legislations available on the NICNET.

5. The follow-up action on implementation of the recommendations of the Commission is being monitored on a regular basis by the Department of Administrative Reforms and Public Grievances and the Legislative Department (Ministry of Law, Justice and Company Affairs). The Government has also set up a Standing Committee under the Chairmanship of Secretary

(Personnel) to monitor the follow-up action on the recommendations of the Commission.

6. Simplification and consolidation of rules and procedures is an on-going process. Legislative Department has recently taken steps to bring out sector-wise compendia/CD of legislation beginning with a compendium/CD on Election Laws.

7. As regards the recommendations of the Commission for improvement in the system of administration of justice, the Arbitration and Conciliation Act, 1996 has, for the first time, introduced the concept of conciliation in India in consonance with the `United Nations Commission on International Trade Laws` model. In order to provide necessary infrastructural support, the Department of Legal Affairs has taken initiative to set up International Centre for Alternate Dispute Resolution, as a private registered society. Under the Legal Services Authorities Act, 1987, Lok Adalats have been constituted at various levels under the guidance of the Legal Services Authorities set up at the national, state and district levels.